

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STANLEY PATRICK WEBER,

Defendant.

Case No. CR-18-14-GF-BMM

ORDER

Defendant Stanley Weber's (Weber) Motion to Continue Trial Date (Doc. 30), is now before the Court. The Government has no objection.

Weber states in his motion that there are several pretrial motions that have been filed in conjunction with the filing of his motion to continue trial that are directed to the disclosure and admissibility of evidence at trial. In order to fully prepare for trial, Weber requests that pretrial resolution of these motions be done prior to trial. Weber intends to obtain transcripts of the motion hearings in order to prepare for trial. Because of these factor, a continuance of the trial in this matter is

warranted.

A district court may grant a continuance and exclude the time period of the continuance from the calculation of the speedy trial date when “the ends of justice served by [the continuance] outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. §3161(h)(7)(A). In determining whether an “ends of justice continuance” is appropriate, a district court must consider, inter alia, whether the failure to grant the continuance will result in a miscarriage of justice; whether the case is so unusual or complex that it is unreasonable to expect adequate preparation within the time limits imposed by the Speedy Trial Act; and whether the case, while not complex or unusual, would nonetheless deny counsel the reasonable time necessary for effective reparation. *Id.* §3161(h)(7)(B). An “ends of justice continuance . . . must be specifically limited in time [and] must be justified on the record with reference to the facts as of the time the delay is ordered.” *United States v. Lloyd*, 125 F.3d 1263, 1268 (9th Cir. 1997). Any additional time is properly excluded under the Speedy Trial Act “only if the district court makes certain findings enumerated in [§ 3161(h)(7)].” *Bloate v. United States*, 130 S. Ct. 1345, 1351 (2010).

Weber is charged with Aggravated Sexual Abuse of a Child, Title 18 U.S.C. §§ 1152 and 2241(c), Attempted Aggravated Sexual Abuse of a Child Title 18

U.S.C. §§ 1152 and 2241(c), Attempted Sexual Abuse of a Minor Title 18 U.S.C. §§ 1152 and 2243(a) and Abuse of Sexual Contact of a Minor Title 18 U.S.C. §§ 1152 and 2244(a)(2). The crime allegedly occurred beginning on or about July 1, 1993 and January 24, 1995 at or near Browning, within Glacier County, in the State and District of Montana and within the exterior boundaries of the Blackfeet Indian Reservation.

A continuance of the trial is appropriate under 18 U.S.C. §§ 3161(h)(7)(A), (B)(i) and (B)(ii). The ends of justice served by a continuance outweighs the interests of the Defendant and the public in a speedy trial. The failure to grant a continuance would deny Weber and his counsel the reasonable time necessary for effective trial preparation, resulting in a potential miscarriage of justice.

Accordingly,

IT IS HEREBY ORDERED Weber's Motion to Continue Trial, Doc. 30 is **GRANTED. IT IS ALSO ORDERED** that the final pretrial conference and jury trial set for May 14, 2018, are **VACATED**. The following schedule shall apply. The final pretrial conference is rescheduled for **Monday, June 25, 2018 at 8:30 a.m.** The parties are to report to the chambers of the undersigned. The jury trial is rescheduled for **Monday, June 25, 2018 at 9:00 a.m.** in the Charles N. Pray Courtroom at the Missouri River Federal Courthouse, Great Falls, Montana. The

motions deadline is **May 25, 2018**. The plea agreement/notice of intent to proceed to trial deadline is **June 11, 2018**. Expert reports are due on or before **June 15, 2018**. The Jury Instructions and Trial Briefs are due by **June 18, 2018**.

All time between the date of this Order and June 25, 2018, shall be excluded for purposes of speedy trial.

DATED this 17th day of April, 2018.



Brian Morris
United States District Court Judge